

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CRAIG BURROUGHS, EDDIE MURDOCK,  
GARY WALSH, JEROME KOWALSKI,  
KEITH ADDISON, MICHAEL DOLLISON,  
RAMEL NELLUMS, DANIEL MILLER,  
LEO DUCHNOWSKI, CRAIG THURSTON,  
WILLIAM COWAN, KURTIS PHILLIP,  
JAMES SUTHERLAND, JAMEL WILLIAMS,  
KEVIN FARRELLY,

MEMORANDUM & ORDER  
13-CV-6784 (JS) (WDW)

Plaintiffs,

-against-

COUNTY OF NASSAU, MICHAEL SPOSATO,  
Sheriff of Nassau County,

Defendants.

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APPEARANCES

For Plaintiffs: Craig Burroughs, #13005758, pro se  
Eddie Murdock, #13003401, pro se  
Gary Walsh, #13003699, pro se  
Jerome Kowalski, #13004867, pro se  
Keith Addison, #13004867, pro se  
Michael Dollison, #12009667, pro se  
Ramel Nellums, #13007957, pro se  
Daniel Miller, #12003565, pro se  
Leo Duchnowski, #13004975, pro se  
Craig Thurston, #13003524, pro se  
William Cowan, #13006769, pro se  
Kurtis Phillip, #13003851, pro se  
James Sutherland, #13005724, pro se  
Jamel Williams, #13007156, pro se  
Kevin Farrelly, #13004238, pro se

Nassau County Correctional Center  
100 Carman Avenue  
East Meadow, NY 11554

For Defendants: No appearances.

SEYBERT, District Judge:

On November 18, 2013, plaintiffs, a group fifteen incarcerated pro se plaintiffs (collectively, "Plaintiffs"), filed a civil rights Complaint in this Court accompanied by an application to proceed in forma pauperis for each Plaintiff with the exception of Plaintiff Daniel Miller.<sup>1</sup> The Complaint is

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<sup>1</sup> Given Miller's long history of frivolous litigation, the Court barred him from filing in forma pauperis complaints under the Prison Litigation Reform Act's "Three Strikes" provision. See Miller v. Cnty. of Nassau, No. 12-CV-4159, 2012 WL 4370125 (E.D.N.Y. Sept. 21, 2012); see also 28 U.S.C. § 1915(g). Miller is no stranger to this Court. Since 2000, Miller has filed twenty in forma pauperis civil actions, almost all of which have been dismissed: Miller v. United States, No. 00-CV-3088(CBA) (E.D.N.Y. 2001) (withdrawn); Miller v. Cnty. of Nassau, No. 00-CV-6124(JS) (WDW) (E.D.N.Y. 2001) (dismissed for failure to state a claim upon which relief may be granted); Crosby v. Walsh, No. 03-CV-4897(ARR) (E.D.N.Y. 2005) (dismissed in forma pauperis complaint filed by four inmates, including Miller, for failure to state a claim); Miller v. Reilly, No. 05-CV-0611(JS) (WDW) (E.D.N.Y. 2005) (settled); Miller v. Cnty. of Nassau, 467 F. Supp. 2d 308 (E.D.N.Y. 2006) (dismissed for failure to state a claim upon which relief may be granted); Miller v. Reilly, No. 06-CV-3727(ADS) (E.D.N.Y. 2008) (settled); Miller v. Reilly, No. 06-CV-6485(JS) (E.D.N.Y. 2007) (withdrawn); Miller v. Zerillo, No. 07-CV-1687(JS) (WDW) (E.D.N.Y. 2009) (dismissed as moot and unexhausted under the PLRA); Miller v. Zerillo, No. 07-CV-1719(JS) (E.D.N.Y. 2008) (dismissed as moot and unexhausted under the PLRA); Miller v. Lindsay, No. 07-CV-2556(JS) (E.D.N.Y. 2009) (dismissed as moot); Miller v. Alexander, No. 07-CV-3533(JS) (E.D.N.Y. 2008) (dismissed as moot); Miller v. Reilly, No. 08-CV-1863(TCP) (E.D.N.Y. 2009) (dismissed as unexhausted and moot); In re Daniel Miller, No. 12-MC-0512(JBW) (E.D.N.Y. 2012) (case closed by Order dated August 6, 2012 and Plaintiff's submission concerning "Terrorist Acts" was forwarded to the U.S. Marshal); Miller v. Spizatto, No. 12-CV-2511(JS) (E.D.N.Y. 2012) (dismissed unexhausted 28 U.S.C. § 2241 petition claiming excessive bail); Miller v. Cnty. of Nassau, No. 12-CV-4164(JS) (WDW) (E.D.N.Y. 2013) (dismissed without prejudice for failure to pay the filing fee); Miller v.

accompanied by a Motion for Preliminary Injunction, a request for an Order to Show Cause, and a Motion to Appoint a Plaintiff as the Representative Party to Sign Motions on Behalf of all Plaintiffs. (Docket Entries 17, 18.)

Upon review of Plaintiffs' declarations in support of their respective applications to proceed in forma pauperis (other than Miller), the Court finds that each Plaintiff's financial status qualifies him to commence this action without prepayment of the filing fees.<sup>2</sup> See 28 U.S.C. § 1915(a)(1). Accordingly, Plaintiffs' applications to proceed in forma pauperis are GRANTED.

In addition, because Plaintiffs are proceeding pro se, they cannot represent anyone other than themselves. Miller, 2012 WL 4370125, at \*1 (citing Moore v. T-Mobile USA, No. 10-CV-0527, 2011 WL 609818, at \*6 (E.D.N.Y. Feb. 15, 2011)). Accordingly, Plaintiffs' request to appoint a representative to sign papers filed with the Court is DENIED.

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Smith, No. 12-CV-4378(JS) (WDW) (E.D.N.Y. 2012) (same); Miller v. Cnty. of Nassau, No. 12-CV-4466(JS) (WDW) (E.D.N.Y. 2012) (same); Miller v. Cnty. of Nassau, No. 12-CV-4430(JS) (WDW) (E.D.N.Y. 2012) (same); Miller v. Cnty. of Nassau, No. 12-CV-4549(JS) (WDW) (E.D.N.Y. 2012) (same); and Miller v. Cnty. of Nassau, No. 12-CV-4550(JS) (WDW) (E.D.N.Y. 2012) (same).

<sup>2</sup> Miller paid his pro rata share of the filing fee on December 9, 2013.

CONCLUSION

For the foregoing reasons, Plaintiffs' applications to proceed in forma pauperis are GRANTED and Plaintiffs' Motion to Appoint a Plaintiff as the Representative Party to Sign Motions on Behalf of All Plaintiffs is DENIED. The Court ORDERS expedited personal service of the Summonses, the Complaint, the Motion for Preliminary Injunction, the request for an Order to Show Cause, and this Order by the United States Marshal Service without prepayment of the filing fee.

SO ORDERED.

/s/ JOANNA SEYBERT  
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Joanna Seybert, U.S.D.J.

Dated: December 17, 2013  
Central Islip, NY